

By Commissioner Barnett

1                           A proposal to revise  
2       ARTICLE II, s. 8, Fla. Const.; providing that  
3       all elected officials or candidates for such  
4       offices must file public financial disclosure  
5       statements.

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7   It is proposed by the Florida Constitution Revision Commission  
8   that:

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10       Section 1. Section 8 of Article II of the Florida  
11   Constitution is revised by amending that section to read:

12                           ARTICLE II  
13                           GENERAL PROVISIONS

14       SECTION 8. Ethics in government.--A public office is a  
15   public trust. The people shall have the right to secure and  
16   sustain that trust against abuse. To assure this right:

17       (a) All elected public ~~constitutional~~ officers and  
18   candidates for such offices and, as may be determined by law,  
19   other public officers, candidates, and employees shall file  
20   full and public disclosure of their financial interests.

21       (b) All elected public officers and candidates for  
22   such offices shall file full and public disclosure of their  
23   campaign finances.

24       (c) Any public officer or employee who breaches the  
25   public trust for private gain and any person or entity  
26   inducing such breach shall be liable to the state for all  
27   financial benefits obtained by such actions. The manner of  
28   recovery and additional damages may be provided by law.

29       (d) Any public officer or employee who is convicted of  
30   a felony involving a breach of public trust shall be subject  
31   to forfeiture of rights and privileges under a public

1 retirement system or pension plan in such manner as may be  
2 provided by law.

3 (e) No member of the legislature or statewide elected  
4 officer shall personally represent another person or entity  
5 for compensation before the government body or agency of which  
6 the individual was an officer or member for a period of two  
7 years following vacation of office. No member of the  
8 legislature shall personally represent another person or  
9 entity for compensation during term of office before any state  
10 agency other than judicial tribunals. Similar restrictions on  
11 other public officers and employees may be established by law.

12 (f) There shall be an independent commission to  
13 conduct investigations and make public reports on all  
14 complaints concerning breach of public trust by public  
15 officers or employees not within the jurisdiction of the  
16 judicial qualifications commission.

17 (g) This section shall not be construed to limit  
18 disclosures and prohibitions which may be established by law  
19 to preserve the public trust and avoid conflicts between  
20 public duties and private interests.

21 (h) Schedule--On the effective date of this amendment  
22 and until changed by law:

23 (1) Full and public disclosure of financial interests  
24 shall mean filing with the secretary of state by July 1 of  
25 each year a sworn statement showing net worth and identifying  
26 each asset and liability in excess of \$1,000 and its value  
27 together with one of the following:

28 a. A copy of the person's most recent federal income  
29 tax return; or

30 b. A sworn statement which identifies each separate  
31 source and amount of income which exceeds \$1,000. The forms

1 for such source disclosure and the rules under which they are  
2 to be filed shall be prescribed by the independent commission  
3 established in subsection (f), and such rules shall include  
4 disclosure of secondary sources of income.

5 (2) Persons holding statewide elective offices shall  
6 also file disclosure of their financial interests pursuant to  
7 subsection (h)(1).

8 (3) The independent commission provided for in  
9 subsection (f) shall mean the Florida Commission on Ethics.

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